

106TH CONGRESS  
2D SESSION

# H. R. 5445

To amend title 49, United States Code, to increase the amount of civil penalties and criminal fines for violations of requirements prohibiting the transportation of chemical oxygen generators on passenger-carrying aircraft in air commerce.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2000

Mr. LIPINSKI (for himself, Mr. DEFAZIO, and Mr. COSTELLO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to increase the amount of civil penalties and criminal fines for violations of requirements prohibiting the transportation of chemical oxygen generators on passenger-carrying aircraft in air commerce.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AIR TRANSPORTATION OF CHEMICAL OXYGEN**

4 **GENERATORS.**

5 (a) CIVIL PENALTY.—

1           (1) IN GENERAL.—Section 5123 of title 49,  
2           United States Code, is amended by adding at the  
3           end the following:

4           “(h) SPECIAL RULE FOR AIR TRANSPORTATION OF  
5           CHEMICAL OXYGEN GENERATORS.—

6           “(1) IN GENERAL.—Notwithstanding subsection  
7           (a), any person who, in violation of this chapter or  
8           a regulation prescribed or order issued under this  
9           chapter, knowingly transports or causes to be trans-  
10          ported a chemical oxygen generator on a passenger-  
11          carrying aircraft in air commerce (as defined in sec-  
12          tion 40102(a)) is liable to the United States for a  
13          civil penalty of \$1,000,000 for each such violation.

14          “(2) PROHIBITION ON COMPROMISING AMOUNT  
15          OF CIVIL PENALTY.—Notwithstanding subsections  
16          (c) and (e), the amount of a civil penalty specified  
17          in paragraph (1) cannot be compromised.”.

18          (2) CONFORMING AMENDMENT.—The second  
19          sentence of section 5123 of such title is amended by  
20          striking “A person” and inserting “In this section  
21          (including subsection (h)), a person”.

22          (b) CRIMINAL PENALTY.—

23          (1) IN GENERAL.—Section 5124 of such title is  
24          amended—

1 (A) by striking “A person” and inserting

2 “(a) IN GENERAL.—A person”; and

3 (B) by adding at the end the following:

4 “(b) SPECIAL RULE FOR AIR TRANSPORTATION OF  
5 CHEMICAL OXYGEN GENERATORS.—

6 “(1) IN GENERAL.—Notwithstanding subsection  
7 (a), any person who, in violation of this chapter or  
8 a regulation prescribed or order issued under this  
9 chapter—

10 “(A) willfully delivers, or causes to be de-  
11 livered, a chemical oxygen generator to an air  
12 carrier or to an operator of a civil aircraft for  
13 transportation on a passenger-carrying aircraft  
14 in air commerce (as defined in section  
15 40102(a)); or

16 “(B) recklessly transports or causes the  
17 transportation of a chemical oxygen generator  
18 on a passenger-carrying aircraft in air com-  
19 merce (as defined in section 40102(a)),  
20 shall be fined \$1,000,000, imprisoned for not more  
21 than 5 years, or both.

22 “(2) PROHIBITION ON REDUCING AMOUNT OF  
23 FINE.—Notwithstanding any other provision of law,  
24 the amount of a fine specified in paragraph (1) can-  
25 not be reduced.”.

1           (2) CONFORMING AMENDMENT.—Section 46312  
2           of such title is amended by striking “A person” and  
3           inserting “Except as provided in section 5124(b), a  
4           person”.

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